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**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application No.: 10/801,041  
Filing Date: March 16, 2004  
Applicant: Jin Hong KIM et al.  
Group Art Unit: 2856  
Examiner: Robert R. Raavis  
Title: APPARATUS AND METHOD FOR TESTING  
ENDURANCE OF OPTICAL DISC  
Attorney Docket: 46500-000143/US

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May 4, 2009

**STATEMENT UNDER 37 C.F.R. § 1.133(b)**

Sir:

In response to the telephonic interview conducted on March 16, 2009 and the Interview Summary dated April 3, 2009, the following remarks are respectfully submitted in connection with the above-identified application.

**Interview Summary**

Applicants note with appreciation that on March 16, 2009, an interview was conducted for the instant application. The rejection of claims 8, 10-14, and 18-21 under 35 U.S.C. §112 was discussed. With respect to claim 8, Applicants' representative discussed the support for the limitations of claim 8 with reference to

Applicants' FIG. 6. No agreement was reached. With respect to claims 18-21, Applicants representative discussed support for the limitations of claims 18-21 with reference to Applicants' FIG. 6 and paragraphs [00357-[0037], and [0039] of Applicants' originally filed specification. The Examiner stated that he was inclined to withdrawn the assertion that claims 18-21 included new matter. No further agreements were reached.

Further, the rejection of claims 8, 10-14, and 18-21 under 35 U.S.C. §103 was discussed. Applicants discussed distinctions between the limitations of claim 8 and the cited art with respect to the 10% jitter value and number of rotations recited in claim 8. The Examiner stated that he would, again, review the arguments in Applicants' previously submitted response. No further agreements were reached.

**CONCLUSION**

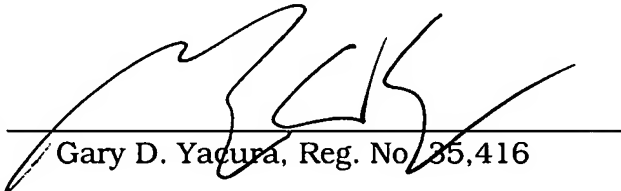
Should there be any outstanding matters that need to be resolved in the present application; the Examiner is respectfully requested to contact the undersigned at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKY, & PIERCE, P.L.C.

By

  
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